

**RULES  
OF  
THE TENNESSEE HEALTH FACILITIES COMMISSION**

**CHAPTER 0720—5  
CERTIFICATE OF NEED PROGRAM—APPLICATION,  
DISCLOSURE OF INFORMATION AND REPORTING REQUIREMENTS**

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**0720—5—.01 STANDARD APPLICATION.**

- (1) Application for a certificate of need shall be made on form(s) provided by the Commission. The applicant must provide all information requested in the application forms. The information which may be required in the application form(s) includes, but is not necessarily limited to, the following:
  - (a) Facility identification, including legal interests and status, operator and owners;
  - (b) Detailed project description;
  - (c) Detailed project cost data;
  - (d) Detailed disclosure of anticipated financing mechanism;
  - (e) Project operating costs and revenues, patient charges, and occupancy rate; and
  - (f) Information on the project's relationship to public needs and the existing health service system.
- (2) The accuracy of the information provided must be attested to by the responsible party or his agent in a notarized statement. Providing false incorrect, misleading, or fraudulent information is grounds for revocation of the certificate of need.

**Authority:** T.C.A. §§68—11—105(2) (as amended, P.C. 120, Acts of 1993, Section 3); 68—11—106(d)(7) (as amended, P.C. 120, Acts of 1993, Section 4); 68—11—106(a)(6) (as amended, P.C. 119, Acts of 1993, Section 2); 68—11—106(b)(1) (as amended, P.C. 120, Acts of 1993, Section 4); 68—11—106(f) (as amended, P.C. 120, Section 4); P.C. 120, Acts of 1993, Section 10; P.C. 371, Acts of 1993, Section 10; 4—5—202. **Administrative History:** (For history prior to October 1987, see page 1). Repeal and new rule filed September 15, 1987, effective October 30, 1987. Amendment filed November 16, 1993; effective January 30, 1994.

**0720—5—.02 REPORT OF BED INCREASES NOT REQUIRING A CERTIFICATE OF NEED**

- (1) Any nursing home or hospital which is increasing the number of its licensed beds without the necessity of obtaining a certificate of need, as provided by law, shall report such activity on forms provided by the Commission.
- (2) Any person reporting such increases must provide all information requested in the form(s). Information required to be provided by the forms may include, but not be limited to, the following:

(Rule 0720—5—.02, Continued)

- (a) Facility identification;
- (b) Number of licensed beds prior to the request;
- (c) Number of beds being increased; and
- (d) Anticipated date of licensure/certification.

**Authority:** T.C.A. §§68—11—105(2) (as amended, P.C. 120, Acts of 1993, Section 3); 68—11—106(d) (as amended, P.C. 120, Acts of 1993, Section 4); 68—11—106(a)(6) (as amended, P.C. 119, Acts of 1993, Section 2); 68—11—106(b)(1) (as amended, P.C. 120, Acts of 1993, Section 4); 68—11—106(1) (as amended, P.C. 120, Section 4); P.C. 120, Acts of 1993, Section 10; P.C. 371, Acts of 1993; Section 10; 4—5—202. **Administrative History:** (For history prior to October, 1987, see page 1). Repeal and new rule filed September 15, 1987; effective October 30, 1987. Repeal and new rule filed November 16, 1993; effective January 30, 1994.

### 0720—5—.03 REPLACEMENT OR UPGRADE OF MAJOR MEDICAL EQUIPMENT

- (1) Any person claiming an exemption from the certificate of need requirements for the replacement or upgrade of major medical equipment shall report the replacement or upgrade on forms provided by the Commission.
- (2) Any person claiming the exemption must provide all information requested in the form(s). Information which may be required by the form(s) may include, but not be limited to, the following:
  - (a) A description of the original equipment, and of the replacement or upgraded equipment;
  - (b) The cost of the original equipment and of the replacement or upgraded equipment, and whether the acquisition was by purchase, lease, or otherwise;
  - (c) The expected useful life of the original equipment, and of the replacement or upgraded equipment;
  - (d) The date of acquisition of the original equipment, and of the replacement or upgraded equipment; and
  - (e) The owner of the original equipment, and of the replacement or upgraded equipment.

**Authority:** T.C.A. §§68—11—105(2) (as amended, P.C. 120, Acts of 1993, Section 3); 68—11—106(d)(7) (as amended, P.C. 120, Acts of 1993, Section 4); 68—11—106(a)(6) (as amended, P.C. 119, Acts of 1993, Section 2); 68—11—106(b)(1) (as amended, P.C. 120, Acts of 1993, Section 4); 68—11—106(f) (as amended, P.C. 120, Section 4); P.C. 120, Acts of 1993, Section 10; P.C. 371, Acts of 1993; Section 10; 4—5—202. **Administrative History:** (For history prior to October, 1987, see page 1). Repeal and new rule filed September 15, 1987; effective October 30, 1987; Repeal and new rule filed November 16, 1993; effective January 30, 1994.

### 0720—5—.04 REPORT OF CHANGE OF OWNERSHIP OF LICENSED INSTITUTIONS

- (1) Notice of a change of ownership of a health care institution, occurring within two years of the date of initial licensure, must be reported on form(s) provided by the Commission.
- (2) Any person reporting such a change of ownership must provide all information requested in the form. Information which may be required by the form(s) may include, but not be limited to, the following:

(Rule 0720—5—.04, Continued)

- (a) Identification of the current owner of the health care institution;
- (b) Identification of the proposed new owner of the health care institution;
- (c) Identification of the health care institution, the ownership of which is proposed to be transferred; and,
- (d) The effective date of the proposed change of ownership.

**Authority:** T.C.A. §§68—11—105(2) (as amended, P.C. 120, Acts of 1993, Section 3); 68—11—106(d)(7) (as amended, P.C. 120, Acts of 1993, Section 4); 68—11—106(a)(6) (as amended, P.C. 119, Acts of 1993, Section 2); 68—11—106(b)(1) (as amended, P.C. 120, Acts of 1993, Section 4); 68—11—106(f) (as amended, P.C. 120, Section 4); P.C. 120, Acts of 1993, Section 10; P.C. 371, Acts of 1993; Section 10; 4—5—202. **Administrative History:** Original rule filed November 16, 1993; effective January 30, 1994.

#### **0720—5—.05 REGISTRATION OF EQUIPMENT**

- (1) Ownership of computerized axial tomographers, extracorporeal lithotripters, magnetic resonance imagers, and any other piece of equipment specified by law, must be made on forms provided by the Commission.
- (2) The person registering such equipment must provide all information requested in the form(s). Information which may be required by the form(s), may include, but not be limited to, the following:
  - (a) Identification of the owner of such equipment;
  - (b) The location of the equipment, including facility identification;
  - (c) Whether the acquisition is by purchase, lease, or otherwise;
  - (d) The date of delivery of the equipment; and
  - (e) The expected useful life of the equipment.

**Authority:** T.C.A. §§68—11—105(2) (as amended, P.C. 120, Acts of 1993, Section 3), 68—11—106(4)(7) (as amended, P.C. 120, Acts of 1993, Section 4); 68—11—106(a)(6) (as amended, P.C. 119, Acts of 1993, Section 2); 68—11—106(b)(1) (as amended, P.C. 120, Acts of 1993, Section 4); 68—11—106(f) (as amended, P.C. 120, Section 4); P.C. 120, Acts of 1993, Section 10; P.C. 371, Acts of 1993; Section 10; 4—5—202. **Administrative History:** Original rule filed November 16, 1993; effective January 30, 1994.

#### **0720—5—.06 REGISTRATION OF LICENSED BEDS AND USES**

- (1) Each hospital shall, within ninety (90) days of October 1, 1993 register with the Commission the number of licensed beds in its facility for each of the following categories according to intended use: adult psychiatric, child and adolescent psychiatric, and rehabilitation. Such registration shall be on form(s) provided by the Commission.
- (2) The person registering the licensed beds and uses must provide all information requested in the form(s) provided by the Commission.

**Authority:** T.C.A. §§68—11—105(2) (as amended, P.C. 120, Acts of 1993, Section 3); 68—11—106(d)(7) (as amended, P.C. 120, Acts of 1993, Section 4), 68—11—106(a)(6) (as amended, P.C. 119, Acts of 1993, Section 2); 68—11—106(b)(1) (as amended, P.C. 120, Acts of 1993; Section 4); 68—11—106(f) (as amended, P.C. 120, Section

(Rule 0720—5—.06, Continued)

*4); P.C. 120, Acts of 1993, Section 10; P.C. 371, Acts of 1993, Section 10; 4—5—202. **Administrative History:** Original rule filed November 16, 1993; effective January 30, 1994.*